IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE FIFTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION NO: 10899 of 2004

Between:

1 B. Chinna Krishnamma, W/o B. Tirumalaiah,
R/o H.No. 1-20/9/3, Kondapur village, Serilingampally

Municipality, Ranga Reddy District.
2 Smt. B. Parvathi Bai, W/o B. Nanu Naik,
R/o H.No. 1-20/9/3, Kondapur village, Serilingampally

Municipality, Ranga Reddy District.
3 N. Sobha Rani, W/o Chirastidas,
R/o Kondapur village, Serilingampally Municipality,
Ranga Reddy District.
4 B. Manga Devi, W/o B. Lakshman Goud,
R/o Kondapur village, Serilingampally Municipality,
Ranga Reddy District.
5 R. Satyanarayana, S/o R. Gopaiah,
R/o Kondapur village, Serilingampally Municipality,
Ranga Reddy District. **..... PETITIONERS**

AND

The Commandant, VIII Battalion, APSP Campus, Kondapur,
Serilingampally, Ranga Reddy District.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to declare the action of the respondent threatening the petitioners to demolish the houses vide Bearing Nos. in Survey No. 215, Kondapur village, Serilingampally Municipality, Ranga Reddy District is illegal, arbitrary contrary to the provisions of law and consequentially direct the respondent not to demolish the residential houses Bearing Nos. 1-20/9/1, 1-20/9/2/A, 1-20/9/2, 1-20/9 Plot No. 1-20/9/A in Survey No. 215,Kondapur Village, Serilingampally Municipal Area, Ranga Reddy District.

Counsel for the Petitioner: MR.BOKKA SATYANARAYANA

Counsel for the Respondent: GP FOR HOME

The Court made the following:

HONOURABEL SRI JUSTICE V.ESWARAIAH

WRIT PETITION No. 10899 of 2004

ORDER:

Inasmuch as the action of the respondent-Commandant, VIII Battalion, APSP Campus, Kondapur, in threatening the petitioners to demolish the houses vide bearing Nos.1-20/91, 1-20/9/2/A, 1-20/9/2, 1-20/9 and plot No.1-20/9/A in Survey No.215, situate in Kondapur village, Serilingampally Municipality, Ranga Reddy District, contrary to the provisions of law, the present writ petition has been filed.

2. The petitioners stated that they are in possession and enjoyment of their residential houses bearing Nos. 1-20/91,
1-20/9/2/A, 1-20/9/2, 1-20/9 and plot No.1-20/9/A in Survey No.215, Kondapur village, Serilingampally Municipality, Ranga Reddy District, admeasuring at 155 sq. yards, 150 sq. yards, 150 sq. yards, 155 sq. yards, 150 sq. yards respectively. It is further stated that they have purchased the said land from its owner and constructed houses after obtaining the sanction from Serilingampally Municipality and the Municipality allotted the house numbers. While so, the respondent visited their residential houses on 27-06-2004 and threatened to demolish their houses by laying the fencing through their schedule property. It is further stated that the petitioners have purchased the same through the registered sale deed and hence, the respondent has no authority to demolish the structures or laying fencing through their schedule property.

3. A counter-affidavit has been filed stating that the petitioners 1 to 3 are spouses of the Police personnel. The respondent has Ac.119.06 of land at Kondapur in Survey Nos.86/1, 68/2, 208, 209, 210, 211, 212, 213, 214/1,2,3. It is further stated that as per the directions of this Court in W.A.Nos.438 to 443 of 1999, the Assistant Director, Head Quarters Survey and Land Records, Hyderabad, had drawn the survey of the land of the respondent and fixed the boundaries etc., and to safeguard the Government land, the respondent has

been erecting the premises on the parameters of the land in question and in that pressure, it came to the notice of the respondent that the petitioners 1 to 5 encroached the land in question in survey No.214 to an extent of 10 feet, 7 ½ feet, 8 feet, 11 ½ feet and 7 ½ feet respectively.

4. It is further stated that the 1st petitioner alone had obtained permission to construct her house as per the approved plan and site position, but, contrary to the sanction plan, she has encroached 8 feet of the respondent's land. However, it is further stated that the petitioners 2 to 5 without obtaining any permitt from the Serilingampalli Municipality, constructed their houses illegally and encroached certain land of the respondent. It is also stated that the respondent will not evict the petitioners or demolish the structures without following due process of law.

5. Having regard to the reasons mentioned in the counter-affidavit, I consider it necessary to dispose of the writ petition with certain direction.

6. Accordingly, the writ petition is disposed of directing the respondent not to demolish the structures or evict the petitioners without following the due process of law. There shall be no order as to costs.

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April 4, 2005

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To

1 The Commandant, VIII Battalion, APSP Campus, Kondapur, Serilingampally, Ranga Reddy District.

2 Two C.Cs. to G.P. for Home, High Court Buildings,

High Court of A.P., Hyderabad (OUT)

3 Two C.D. Copies.

*Form-NIC-OGS/WP{**AVLR**}*